

HOUSE No. 820

By Mr. Linsky of Natick, petition of David Paul Linsky and others
relative to protecting victims of domestic violence. The Judiciary.

The Commonwealth of Massachusetts

PETITION OF:

David Paul Linsky	Karen E. Spilka
Susan C. Fargo	Kathi-Anne Reinstein
Michael E. Festa	Alice Hanlon Peisch
Cory Atkins	Matthew C. Patrick
Edward G. Connolly	James R. Miceli
Carl M. Sciortino, Jr.	Deborah D. Blumer

In the Year Two Thousand and Five.

AN ACT PROTECTING VICTIMS OF DOMESTIC VIOLENCE.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

- 1 Chapter 209A of the General Laws is hereby amended by
2 striking out section 8, as appearing in the 1998 Official Edition,
3 and inserting in place thereof the following section:
4 Section 8. Upon the request of the plaintiff, the court shall
5 impound the plaintiff's address by excluding same from the com-
6 plaint and from all other court documents which are available for
7 public inspection including any copy of a protection order issued
8 by another jurisdiction, and shall ensure that the address is kept
9 confidential from the defendant and defendant's attorney.
10 The records of cases arising out of an action brought under the
11 provisions of this chapter where the plaintiff or defendant is a
12 minor shall be withheld from public inspection except by order of
13 the court; provided, that such records shall be open, at all reason-
14 able times, to the inspection of the minor, said minor's parent,
15 guardian, attorney, and to plaintiff and the plaintiff's attorney,
16 prosecutors, victim-witness advocates as defined in G.L. c. 258B,
17 section 1, domestic violence victim's counselors as defined in G.L.

18 c. 233, section 20K, sexual assault counselors as defined in G.L.
19 c. 233, section 20J, and law enforcement officers as necessary in
20 their performance of their duties, or any of them.

21 The portions of records of cases arising out of an action
22 brought by a plaintiff under the provisions of this chapter, which
23 consist of such plaintiff's current residential address, former resi-
24 dential address, residential telephone number and workplace
25 name, address and telephone number, shall be kept confidential
26 from the defendant and defendant's attorney and shall be withheld
27 from public inspection except by order of the court; provided,
28 however, that such portions of such records shall be accessible at
29 all reasonable times to inspection by the plaintiff, the plaintiff's
30 attorney and to others specifically authorized by the plaintiff to
31 obtain such information; and prosecutors, victim-witness advo-
32 cates as defined in G.L. c. 258B, section 1, domestic violence vic-
33 tim's counselors as defined in G.L. c. 233, section 20K, sexual
34 assault counselors as defined in G.L. c. 233, section 20J, and law
35 enforcement officers as necessary in their performance of their
36 duties. Such portion of the records shall not be deemed to be
37 public under the provisions of clause 26th of section 7 of
38 chapter 4. Upon request of the plaintiff, the court shall impound
39 the plaintiff's current and former residential address, telephone
40 number and workplace name, address and telephone number con-
41 sistent with this section.